

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 1:05CR478
)	
WILFREDO MONTOYA BAIREs,)	18 U.S.C. §§ 1959(a)(1) and 2
a.k.a., “Niño,”)	(Murder in Aid of Racketeering Activity)
)	
Defendant.)	
)	

NOVEMBER 2005 TERM - at Alexandria

INDICTMENT

COUNT 1

THE GRAND JURY CHARGES THAT:

1. At all times relevant to this Indictment, the defendant, WILFREDO MONTOYA BAIREs, was a member and associate of a criminal organization, specifically, MS-13 or Mara Salvatrucha, whose members and associates engaged in acts of violence, including murder and attempted murder.

2. This criminal organization, including its leadership, membership, and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

3. The above-described enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1),

namely, acts involving murder, in violation of laws of the Commonwealth of Virginia, and acts involving dealing in controlled substances, in violation of 21 U.S.C. §§ 841(a) and 846, and the interstate transportation of stolen vehicles, in violation of 18 U.S.C. § 2312.

4. On or about August 11, 2004, in Prince William County, Virginia, in the Eastern District of Virginia, for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, WILFREDO MONTOYA BAIRES, the defendant, unlawfully and knowingly murdered Jose Escobar, also known as “Snoop,” in violation of the laws of the Commonwealth of Virginia, specifically, Va. Code Ann. § 18.2-32.
(Title 18, United States Code, Sections 1959(a)(1) and 2.)

NOTICE OF SPECIAL FINDINGS

As to the Indictment, the defendant, WILFREDO MONTOYA BAIREs, also known as “Nino”:

- a. was 18 years of age or older at the time of the offenses;
- b. intentionally killed Jose Escobar, also known as “Snoop” (Title 18, United States Code, Section 3591(a)(2)(A));
- c. intentionally inflicted serious bodily injury that resulted in the death of Jose Escobar (Title 18, United States Code, Section 3591(a)(2)(B));
- d. intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and Jose Escobar died as a direct result of such act or acts (Title 18, United States Code, Section 3591(a)(2)(C));
- e. intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such acts constituted a reckless disregard for human life, and Jose Escobar died as a direct result of such act or acts (Title 18, United States Code, Section 3591(a)(2)(D));
- f. committed the offense after substantial planning and premeditation to cause the death of Jose Escobar (Title 18, United States Code, Section 3592(c)(9)).

A TRUE BILL:

Foreperson

Paul J. McNulty
United States Attorney

Robert A. Spencer
Assistant United States Attorney
Chief, Criminal Division

Patrick F. Stokes
Assistant United States Attorney

Morris R. Parker, Jr.
Assistant United States Attorney

David W. Tooker
Special Assistant United States Attorney